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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.OP.No.27265 of 2023

Hariharan ...Petitioner

Vs.

The State represented by its
The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu, Chennai 600 094.
Crime No.1210 of 2016 ...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail pending trial in S.C.No.269 of 2023 on the file of the IV Additional Sessions Judge, Chennai in connection with Crime No.1210 of 2016 on the file of the respondent Police.

For Petitioner : Mr.R.Balasubramanian

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner seeks bail in S.C.No.269 of 2023 now pending

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before the IV Additional Sessions Judge, Chennai. The petitioner is the 11th accused and charges had been framed under Sections 147, 148, 341, 326, 307, 506(ii), 120(B) r/w 149 of IPC.

2.It is stated that though the petitioner had been granted bail, he had taken a decision to abscond trial and a Non Bailable Warrant was issued on 17.07.2023 and the petitioner was secured on 04.08.2023.

3.The earlier application for bail had been dismissed by this Court on 17.10.2023 in Crl.O.P.No.23802 of 2023 on the ground that Non Bailable Warrant was pending against A14.

4.It is now stated that A14 has been secured on PT warrant.

5.This is the significant change in circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned IV Additional Sessions Judge, Chennai and on further conditions that:

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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the trial Court, everyday Monday, Wednesday and Friday and apart from the Court hearing dates, till completion of the trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

01.12.2023

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C.V.KARTHIKEYAN. J.

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To

1.The IV Additional Sessions Judge, Chennai.

2.The Central Prison, Puzhal.

3.The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu, Chennai 600 094.

4.The Public Prosecutor,
High Court of Madras.

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